

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-against- :

STEPHEN M. CALK, :

Defendant. :

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LORNA G. SCHOFIELD, District Judge:

19 Crim. 366 (LGS)

ORDER

WHEREAS, on May 20, 2021, Defendant sent by e-mail to chambers (1) a motion *in limine* and supporting papers including Exhibits A through C, which are two grand jury transcripts and a document related to one of the transcripts (the “Motion”), and (2) a letter requesting to seal portions of the Motion.


WHEREAS, on May 24, 2021, the Court issued an Order directing the Government and Defendant to meet and confer and file a letter updating the Court as to whether any portions of Exhibits A through C may be unsealed.

WHEREAS, on June 9, 2021, the Government, with the consent of Defendant, sent a letter motion seeking to redact and file under seal an unredacted version of portions of Exhibits A through C. It is hereby

ORDERED that the motion to seal is **GRANTED**. By **June 14, 2021**, the Government shall file publicly Exhibits A through C with the proposed redactions and shall file unredacted versions of the exhibits under seal. Although “[t]he common law right of public access to judicial documents is firmly rooted in our nation’s history,” this right is not absolute, and courts “must balance competing considerations against” the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc’ns., Inc.*, 435 U.S. 589, 599 (1978) (“[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.”). Filing the above-referenced material in redacted form is necessary to protect the

integrity of law enforcement and confidential judicial proceedings, as well as to protect the potential witnesses' privacy interests.

Dated: June 10, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE